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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,284	12/03/2003	Vernon George Houle	LAMA122031	4678
26389	7590	05/01/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			MEHMOOD, JENNIFER	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2612	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/727,284

Applicant(s)

HOULE, VERNON GEORGE

Examiner

Jennifer A. Mehmood

Art Unit

12-  
2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE filed March 23, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 recites the limitation "the voice" in line 11. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock et al. (US 2002/0099945) and further in view of Ghaffari et al. (US 5,708,423).

McIntock discloses a method of controlling movement on the inside and around the outside of a facility, comprising the steps of: providing each person within the facility with a transmitter which emits a unique personality profile (paragraph 0012, Ins 1-8; parag 0029, Ins 8-17; parag 0037, Ins 14-21) embedded in the unique personality profile is an access level for that person selected from multiple access levels (parag 0012, Ins 11-14), the transmitter having a proximity detector (Fig. 1, item 82; parag 0027, Ins 4-9; parag 0029, Ins 1-11); providing each security door with a detection area defining a boundary or proximity that separates an area of permissible movement from an area of

restricted access at the security door, a lock, a receiver and a controller at the security door (parag 0027, Ins 1-5; Fig. 2, items 26, 28) the proximity detector of the transmitter being excited when the transmitter approaches the detection area causing the transmitter to emit the unique personality profile, the receiver receiving the unique access personality profile from the transmitter (Fig. 1, items 28, 24), the controller reviewing an access level embedded in the unique personality profile without reference to personnel data files (parag 0012, Ins 10-14; parag 0043, Ins 1-6 and last 5 lines) and unlocking the lock to the security door to permit access only when the unique personality profile has an appropriate access level (parag 0012, Ins 10-20). McLintock, however, does not disclose a detection loop that defines a perimeter boundary near the security door. Ghaffari, on the other hand, discloses a detection loop that defines a perimeter boundary near a security door and a transmitter being excited when the transmitter approaches the detection loop (col 3, Ins 21-26; col 4, Ins 34-37 and 62-65; col 5, Ins 1-5; col 6, Ins 1-5 and 41-48; Fig. 1, items 56, 52, 54; Fig. 5, items 52-1, 52-2, and 52-3; Fig. 4, items 88, 90, 92). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to further define a detection area as a detection loop in order to create boundary near a security door so that a person or asset's direction and movement is tracked through a portal or doorway (col 1, Ins 55-58).

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock and Ghaffari, as applied to claim 1, and further in view of Beigel et al. (US 2003/017049).

For claim 2, McLintock does not disclose the transmitter being secured to a person with a tamper-resistant band. However, Beigel discloses this feature (parag 0021, Ins 7-17). It would have been obvious to include a transmitter in a tamper-resistant band so that the band (along with the personality profile) is not easily lost or stolen.

For claim 3, McLintock does not disclose the controller initiating an alarm condition when the tamper-resistant band is removed. However, Beigel discloses this feature (parag 0028, Ins 5-12 and 27-30). It would have been obvious to include an alarm condition when the band is removed so that a breach of security is acknowledged.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock and Ghaffari, as applied to claim 1, and further in view of Steeves (US 6,570,487).

McLintock discloses a transmitter that includes a unique personality profile of a person that includes an access level; however, McLintock does not initiate an alarm upon an inappropriate access level. However, Steeves discloses a controller initiating an alarm condition when the person passing through the security door is not at the appropriate access level (col 1, Ins 59-65; col 4, Ins 6-8; col 10, Ins 51-61; col 11, Ins 6-9). It would have been obvious to emit an alarm condition so that employees with access to low-level security areas acknowledge (by the alarm condition) inappropriate behavior if they attempt to enter a high-level security area.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock and Ghaffari, as applied to claim 1, and further in view of Muhme (US 5,886,634).

McLintock discloses a unique personality profile, but does not disclose a controller permitting an unauthorized person access only by an accompanying person with a unique personality profile. However, Muhme discloses a controller permitting an unauthorized person access when accompanied by an accompanying person with an identification tag that is at the appropriate access level (col 1, Ins 43-49; col 2, Ins 50-56; col 3, Ins 4-10 and 15-20; col 8, Ins 38-42). It would have been obvious to permit an unauthorized person access with an authorized person to facilitate a productive working environment.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock and Ghaffari, as applied to claim 1, and further in view of Hyatt, Jr. (US 5,319,362).

McIntock does not disclose granting access to persons with certain access levels only when weather conditions are appropriate; however, Hyatt discloses some variable access security doors, which are accessible to some access levels only when weather conditions are appropriate and granting access to persons with access levels only when weather conditions are appropriate (col 5, Ins 3-10). For instance, depending on the appropriate weather condition, the door will either lock or unlock. Even though Hyatt does not specifically disclose that the controller receives weather-monitoring input, it would have been obvious that the controller receives some type of weather related input (via sensors, detectors, etc...) to provide direction to the door. In addition, it would have been obvious to monitor the weather to determine door status so that the facility does not experience adverse conditions in the facility due an opened door.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock, Ghaffari, and Steeves, and further in view of Werb et al. (US 6,700,533).

McIntock does not disclose the transmitter to include a global positioning module system (GPS); however, Werb discloses a transmitter, associated with an individual, that includes a GPS which remains dormant until activated by a particular condition (such as motion) (col 2, Ins 5-11, 21, 22; col 5, Ins 1-5; col 6, Ins 28-31). Even though Werb does not specifically disclose that the tag is active upon an alarm condition, it would have been obvious that the tag remains dormant and is activated upon motion so that an individual within a facility can be monitored via their movement, not just upon entry and exit locations. In addition, the condition (i.e. movement/alarm) of the tag is conducive to saving power when the tag is only activated when the condition is sensed.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock and Ghaffari, and further in view of Nykerk (US 5,315,285).

McIntock discloses neither a controller having a voice module nor a field defined by a detection loop. However, Nykerk discloses a controller having a voice module, the controller causing the voice module to emit an audible message as long as an unauthorized person remains within the field defined by a detection area causing the voice module to emit an audible message as long as an unauthorized person remains within the field defined by the detection area (col 3, Ins 36-46; col 4, Ins 6-36). It would have been obvious to include a voice module on the controller so that a specific warning

or information pertaining to a warning is relayed to an unauthorized person inside the detection area so that the unauthorized person leaves a protected area.

In addition, Ghaffari discloses a detection loop (col 3, Ins 21-26; col 4, Ins 34-37 and 62-65; col 5, Ins 1-5; col 6, Ins 1-5 and 41-48; Fig. 1, items 56, 52, 54; Fig. 5, items 52-1, 52-2, and 52-3; Fig. 4, items 88, 90, 92). It would have been obvious to further define a detection area as a detection loop in order to create boundary near a security door so that a person or asset's direction and movement is tracked through a portal or doorway (col 1, Ins 55-58).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock et al. (US 2002/0099945), and further in view of Nykerk (US 5,315,285) and Ghaffari et al. (US 5,708,423).

McIntock discloses a method of controlling movement on the inside and around the outside of a facility, comprising the steps of: providing each person within the facility with a transmitter which emits a unique personality profile (paragraph 0012, Ins 1-8; parag 0029, Ins 8-17; parag 0037, Ins 14-21) embedded in the unique personality profile is an access level for that person selected from multiple access levels (parag 0012 Ins 11-14, parag 0013, Ins 7-11; parag 0043, Ins 3-7), the transmitter having a proximity detector (Fig. 1, item 82; parag 0027, Ins 4-9; parag 0029, Ins 1-11); providing a detection area defining a boundary or proximity that separates an area of permissible movement from an area of restricted access, a receiver and a controller, (parag 0027, Ins 1-5; Fig. 2, items 26, 28) the proximity detector of the transmitter being excited when the transmitter approaches the detection area causing the transmitter to emit the unique



personality profile, the receiver receiving the unique personality profile from the transmitter (Fig. 1, items 28, 24), the controller reviewing the access level embedded in the unique personality profile without reference to personnel data files (parag 0012, Ins 10-14; parag 0043, Ins 1-6 and last 5 lines). McIntock, however, does not disclose a controller with a voice module. Nykerk, on the other hand, does disclose a voice module on a controller where a controller causes a voice module to emit an audible message should an unauthorized person venture within the field defined by the detection area (col 3, Ins 36-46; col 4, Ins 6-36). It would have been obvious to include a voice module on the controller so that a specific warning or information pertaining to a warning is relayed to an unauthorized person so that an unauthorized person leaves a protected area. In addition, McIntock does not disclose a detection loop that defines a perimeter boundary. Ghaffari, on the other hand, discloses a detection loop that defines a perimeter boundary that separates an area of permissible movement from an area of restricted access and a transmitter being excited when the transmitter approaches the detection loop (col 3, Ins 21-26; col 4, Ins 34-37 and 62-65; col 5, Ins 1-5; col 6, Ins 1-5 and 41-48; Fig. 1, items 56, 52, 54; Fig. 5, items 52-1, 52-2, and 52-3; Fig. 4, items 88, 90, 92). It would have been obvious to further define a detection area as a detection loop in order to create boundary near a security door so that a person or asset's direction and movement is tracked through a portal or doorway (col 1, Ins 55-58).

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock et al. (US 2002/0099945), and further in view of Nykerk (US 5,315,285) and Ghaffari et al. (US 5,708,423).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1, 9, and 10 as stated above.

***Response to Remarks***

12. Applicant's arguments with respect to claims 1 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273.8300 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

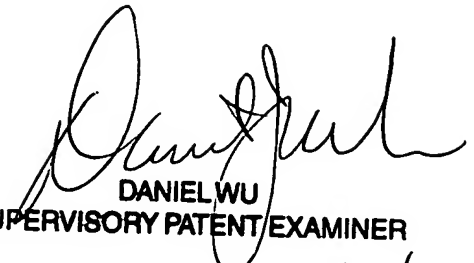
Application/Control Number: 10/727,284

Page 10

Art Unit: 2636

you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Mehmood  
April 19, 2006

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
4/26/06